

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ISSAC A. GLOZER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1842

Decision No. CU - 4187

Counsel for claimants:

Irving Ax, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for \$30,000.00 was presented by ISSAC A. GLOZER based upon the asserted loss of real property in Cuba. Claimant has been a national of the United States since his naturalization on June 2, 1961.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 503(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

On the basis of the entire record, including copies of sales contracts and related documentation, the Commission finds that claimant owned certain unimproved real property in Baluarte (Rio Verde) Rancho Boyeros, Santiago de las Vegas, Havana, Cuba. Pursuant to the community property law of Cuba, his wife, Sara Glozer owned a one-half interest therein.

On December 6, 1961 the Cuban Government published its Law 989 in the Official Gazette, which by its terms nationalized by confiscation all assets including real property of persons who had left the country.

The record shows that claimant was not a resident of Cuba in 1961 or thereafter. The Commission finds, in the absence of evidence to the contrary, that subject real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Accordingly, the Commission concludes that claimant suffered a loss of his real property within the meaning of Title V of the Act.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

The record indicates that claimant acquired the farm lots aggregating 2013.20 square varas in 1943.

Based on the entire record including evidence available to the Commission, as to the value of similar properties in Cuba the Commission finds that the fair value of the realty in question was \$2,920.00 at the time of loss. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$1,460.00 for his one-half interest in the property, within the meaning of Title V of the Act as a result of the taking of the property by the Government of Cuba on December 6, 1961.

Inasmuch as claimant's wife owned one-half of the property, as stated above, so much of the claim as is based on her interest is hereby denied.

The Commission has decided that in certification of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case, it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that ISSAC A. GLOZER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Thousand Four Hundred Sixty Dollars (\$1,460.00) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

NOV 14 1969

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)